

STATE SENATOR
**BOB
GARTON**

Indiana State Senate
200 West Washington Street
Indianapolis, Indiana 46204



2004 Post-Session Newsletter
Visit my web site at www.in.gov/S41

Prst Std
U.S. Postage
PAID
Indianapolis, IN
Permit No. 7767

Rules by Which We Legislate

Indiana is governed by three branches of government. As a leader in the legislative branch, I understand there are certain rules and codes by which we govern this great state. Rules serve as guidelines and boundaries. Without them, the legislative process would fall apart.

During the final weeks of the 2004 legislative session, some of these rules and codes were abandoned by a select group in the House of Representatives because of a debate on the topic of marriage.

The Senate had a two-hour committee hearing on a resolution defining marriage as the union of one man and one woman. We then had another two-hour debate among both parties on the Senate floor. The issues of marriage

and individual beliefs were treated with the respect and dignity that they deserve in the Senate. The resolution passed with bipartisan support and was sent to the House of Representatives for consideration.

When the resolution reached the House, members of the minority party were not permitted to speak on the issue of marriage. In fact, minority members were denied any opportunity to discuss a number of other issues being debated on the House floor. Electricity to the Republican microphone was disconnected at one point.

Representative democracy is the principal on which our country was founded and

for which Americans have fought and died. In a representative democracy, citizens elect representatives to speak for them before the governing body. In the Senate, discussion may be formal, but every member has an opportunity to speak on behalf of the citizens they were elected to represent.

The House and the Senate are governed by rules adopted by each respective chamber. In contrast to House procedures, the Senate rules allow minority members to offer motions, amendments and freely debate issues before the Senate.

During my tenure as President Pro Tempore of the Indiana Senate, I have never denied a colleague the opportunity to speak on the Senate floor. I have never denied an elected official to speak on behalf of those who elected him or her. I have never turned off a microphone as to disallow someone their right to speak. I find these actions to be disrespectful to both the members of the Senate and their constituents.

The rules of the Senate may be formal and may be strict, but we always work diligently to focus on good public policy and not political gamesmanship.

Senate rules allow minority members to offer motions, amendments and freely debate issues before the Senate.



State Senator
Bob Garton

Serving District 41 — Bartholomew and Johnson Counties



2004 Facts & Figures

The Second Regular Session of the 113th General Assembly began on Organization Day, November 18, 2003, and adjourned March 4, 2004.

This non-budget year is known as the "short" session.

Senate bills introduced: 503
Senate joint resolutions introduced: 10

Senate bills passed: 18
Senate joint resolutions passed: 0

House bills introduced: 459
House joint resolutions introduced: 7

House bills passed: 80
House joint resolutions passed: 0

Percent of introduced bills that were sent to the governor: 10%

For more information about the General Assembly's 2004 session, visit us online at: www.in.gov/legislative

Session Ends on High Note

I have noticed some mixed reactions to the outcome of the 2004 session. There are some misconceptions that the legislature accomplished nothing. I strongly disagree. The session turned out to have several redeeming qualities.

As one who lives in the thick of legislative action, I saw firsthand that senators, representatives and their staff certainly had their plates full this year. Our members worked hard to pass initiatives important to the functions of our state and the well-being of our citizens. This session was a short session, which is not designed to produce the volume of initiatives often expected during a budget year when the session is twice as long.

It is obvious that our state's economy continues to struggle. Unfortunately, there is no quick-fix. Still, the legislature pushed economic development further this year, and without worsening our fiscal condition. House Enrolled Act 1365 adopts new incentives for family businesses and employers to locate in Indiana. It helps promote tourism and attract large

conventions to spur the economy. It makes permanent the Research and Development tax credit. The bill also promotes economic development at Crane Navel, Grissom Air Base and Fort Benjamin Harrison.

In addition to HEA 1365, some highlights of this session include the passage of increased property tax deduction values for seniors, the disabled, the blind, disabled veterans and spouses, and rehabilitated properties. A list of positive measures passed in 2004 can be reviewed online at www.in.gov/S41.

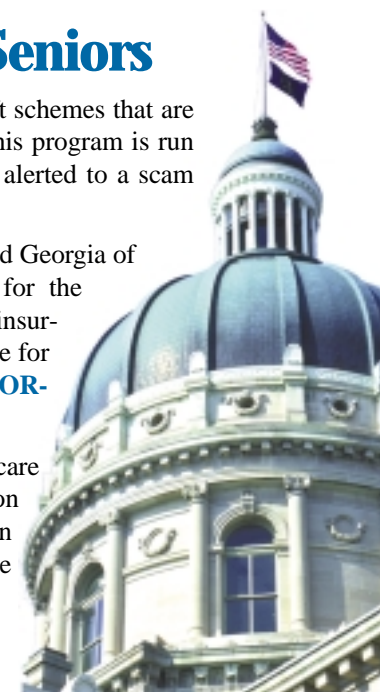
Indiana doesn't have a "do-nothing" legislature, nor do we have a "just-do-any-thing" legislature. The General Assembly did a great deal of good this year; however, the job of representatives and senators also entails stopping bad public policy from becoming law. An indication that we accomplished that feat is the fact that our governor did not veto a single bill this year. Despite some disagreements this session, legislators were able to work together in the best interests of Hoosiers.

Medicare Fraud Targets Seniors

Senior citizens should be alert and aware of identity theft schemes that are intended to defraud the Medicare program. Although this program is run by the federal government, state legislators have been alerted to a scam that could carry a devastating cost.

There have been reports in Indiana, Nebraska, Oklahoma and Georgia of individuals going door-to-door to sign up senior citizens for the Medicare Prescription Drug Cards or to sell them Medigap insurance. Seniors are offered an opportunity to sign up in exchange for their Medicare numbers. **MEDICARE DOES NOT GO DOOR-TO-DOOR.**

Call, toll-free, 1-800-986-3505 to report suspected Medicare fraud and abuse. It will ring into your local Area Agency on Aging. Area Agencies are part of the Medicare fraud prevention project called Senior ESP. All suspected fraud and abuse case information is confidential.



Defending Marriage

The definition of marriage has been under attack in courts across America by special interest groups representing the same-sex rights lobby. Recently, the Massachusetts Supreme Court ruled that same sex marriages must be recognized under state law. At press time, a similar effort is underway in Indiana, as the Indiana Civil Liberties Union has sued on behalf of three same sex couples to have their relationships recognized as marriages in the Hoosier state.

The concept of one-man, one-woman marriage should be protected and promoted. Efforts to legitimize same-sex marriage open the door to legal challenges in favor of polygamy and other outlandish behaviors.

To address this attack on traditional marriage, Senate Joint Resolution 7 was introduced to amend the Indiana Constitution to clearly define marriage. It would have to be approved by two separately elected general assemblies and put on a statewide ballot for voter approval before it could become law.

The measure passed the full Senate by a vote of 42 to 7 after several hours of cordial debate and discussion. Unfortunately, when the resolution passed to the House of Representatives for consideration, the Speaker of the House decided he would allow no public hearing on the matter.

Unclaimed Property

The Indiana Attorney General’s office has compiled a list of anmes of individuals who have unclaimed property, such as:

- Credit balances
- Savings and checking accounts
- Unpaid wages
- Mutual fund shares
- Insurance proceeds
- Uncashed traveler’s checks
- Utility deposits

The Attorney General lists the unclaimed property in an online, searchable database at www.indianauclaimed.com, or call, toll-free 1-866-IN-CLAIM (1-866-462-5246).

HOUSE ENROLLED ACT 1273 — Amends the comprehensive health insurance association (ICHIA) law concerning premium rates, assessments, tax credits, provider reimbursement, provider contracting, and balance billing. PASSED. My vote: YES



Fairness in Funding:

Full-day kindergarten should be implemented the right way.

During last year's budget session of the General Assembly, education was our number one priority. It was the only area in government that was given an increase during these difficult fiscal times.

While surrounding states have cut education, we worked hard to provide our schools with a 3.3 percent increase in funding for Fiscal Year 2004 and a 2.9 percent increase in 2005. This additional funding has placed Indiana 10th in the country in per pupil spending, which is a commitment that senators want to be able to keep.

The state has drained every reserve account to make ends meet and provide schools with the money needed to continue essential programs for this budget cycle. The numbers from the most recent revenue forecast show that the state is not recovering as quickly as hoped and that the state needs to be cautious about what we are spending so we can keep the promise we made to our schools.

After an early start to our 2004 session, which officially began in mid-November, the governor suddenly decided that full-day kindergarten would be his top priority when he gave his State of the State address in January.

His first proposal was to fund the partial tuition of 20,000 full-day kindergarten pupils this fall. Parents were

expected to pay for a portion of their child's extra hours at school.

The governor proposed several shaky funding mechanisms to cover the remainder, including changing the state constitution to tap into an account reserved for schools' construction and renovation projects.

When the bill reached the Senate, the majority agreed that the state simply does not have enough money right now to pay for a statewide full-day kindergarten program. This program would have cost Indiana over \$150 million in state funding. We all agree that early learning is important, which is why we wanted to form a committee to work this summer to find sustainable funding for the initiative.

Unfortunately, Democrats decided that if they couldn't get funding this year, they were not interested in studying the issue this summer. The bill died in conference committee on the last night of the session.

I believe in Indiana's children, and I want them to have every opportunity to be successful. That is why it is so important to approach new government programs and spending with a critical eye.

We must first fund our current obligations to public education before committing ourselves to spending even more taxpayer dollars.

Indiana is 10th in the nation for per-pupil education spending.

Education is the only area of government that received an increase in funding during difficult economic times.

SENATE BILL 85 — Makes it illegal to have open alcoholic beverage containers in a motor vehicle, regardless of whether or not the driver has been drinking. This law could bring Indiana \$13.5 million in federal funds. FAILED. My vote: YES

HOUSE ENROLLED ACT 1082 — Requires a review of entries in the Missing Children Clearinghouse within 60 days after the review required by laws governing reports made to the National Crime Information Center (NCIC). PASSED. My vote: YES

SUMMARY - of - POLICY

Property Tax

- Added necessary amendments to SB 1 for property tax control
- Increased the value of existing property tax deductions for seniors, the blind and disabled, disabled veterans and their spouses, and rehabilitated properties
- Allowed counties to waive penalties assessed for late payment of property taxes
- Allowed taxpayers to pay their property taxes in installments
- Extended the filing deadline for existing property tax deductions and exemptions
- Required approval from elected officials of significant property tax increases by non-elected boards, such as libraries.
- Streamlined the property tax appeal process to make it easier for taxpayers
- Required assessors to use most favorable assessment method for rental properties
- Repealed local governments’ ability to raise and spend excess levies and requires any excess funds to be used to reduce future levies

Economic Development

- Made permanent the Indiana Research and Development Credit
- Promoted economic development at Crane Naval, Grissom Air Base and Fort Benjamin Harrison
- Expanded provisions for Community Revitalization Enhancement Districts, which are created to enhance new job growth
- Extended the expiration date for the Hoosier Business Investment Tax Credit
- Extended eligibility for Economic Development for a Growing Economy Tax Credit

Changes in Public Policy

- Exempted gun owners from lawsuits if their weapons are stolen and later cause harm to someone
- Increased booster seat requirement for children under eight years of age riding in the rear seat

HOUSE ENROLLED ACT 1136 — Forms the Methamphetamine Abuse Task Force to develop a long range plan for combating the abuse and manufacturing of methamphetamine, also known as meth. PASSED. My vote: YES

SENATE JOINT RESOLUTION 7 — Would have begun the process of amending the state constitution to define marriage as the union of one man and one woman. Because it failed in the House, the earliest the provision can appear on the ballot is 2008. FAILED. My vote: YES



Senator Garton recognizes Ernest “Dale” Templin and Charles W. “Todd” Eggers, who retired after serving as Senate doorkeepers for 24 years and 20 years respectively. Senate doorkeepers are responsible for monitoring each entrance to the Senate chambers and offices. Mr. Templin was the longest-serving Principal Doorkeeper in state history.

- Improved several child abuse laws to protect safety
- Increased the jail time of a drunken driver or a driver under the influence of certain drugs if he causes a fatality
- Required every child entering Grades 9-12 to be immunized against hepatitis B
- Increased the jail time of a drunken driver or a driver under the influence of certain drugs if he causes a fatality
- Changed the clerk of the supreme and appellate courts to an appointed position instead of being elected. Will be appointed by the Chief Justice of the Indiana Supreme Court

Changes in Tax Policy

- Required the Indiana Department of Revenue to publish on the Internet the names and addresses of delinquent taxpayers who have owed more than \$1000 in taxes and penalties for more than 24 months
- Repealed Indiana's sales tax on free hotel rooms
- Exempted itemized installation fees from Indiana's sales tax
- Increased retired members of the Public Employee Retirement Fund a 2 percent cost-of-living increase and member of the Teachers' Retirement Fund increases of 1 percent to 3 percent
- Created two study committees:
 - 1) To investigate replacing Indiana's property taxes
 - 2) To study local government efficiency and financing

HOUSE ENROLLED ACT 1229 — Protects consumers from predatory lending. Establishes the homeowner protection unit in the office of the attorney general. Requires home ownership education programs. PASSED. My vote: YES